IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

EUGENIO LOPEZ RODRIGUEZ	§	
VS.	§	CIVIL ACTION NO. 1:06-CV-548
TEXAS DEPARTMENT OF PUBLIC SAFETY, ET AL.	§	

MEMORANDUM ORDER OVERRULING PETITIONER'S OBJECTIONS AND ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Petitioner Eugenio Lopez Rodriguez, a prisoner confined at the Stiles Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this petition for writ of mandamus pursuant to 28 U.S.C. § 1651. Petitioner requested leave to proceed *in forma pauperis*.

The court ordered that this matter be referred to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends denying petitioner leave to proceed *in forma pauperis* and dismissing the action pursuant to 28 U.S.C. § 1915(g) unless petitioner paid the $350 filing fee within ten days.
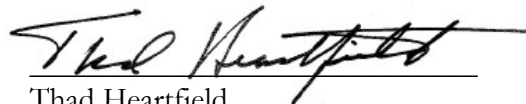
The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Petitioner filed objections to the magistrate judge's Report and Recommendation. Petitioner has not paid the filing fee.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes the objections are without merit.

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ORDER

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Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED this the 22 day of **January, 2007.**

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Thad Heartfield
United States District Judge